

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GRETCHEN S. STUART, M.D., et al.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	
)	Case No. _____
JANICE E. HUFF, M.D., et al.,)	
)	ORAL ARGUMENT
Defendants.)	REQUESTED
)	
)	

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiffs Gretchen S. Stuart, M.D., James R. Dingfelder, M.D., David A. Grimes, M.D., Amy Bryant, M.D., Serina Floyd, M.D., Decker & Watson, Inc., d/b/a Piedmont Carolina Medical Clinic, Planned Parenthood of Central North Carolina, A Woman's Choice of Raleigh, Inc., Planned Parenthood Health Systems, Inc., Takey Crist, M.D., and Takey Crist, M.D., P.A. d/b/a Crist Clinic for Women (hereafter "Plaintiffs") hereby move, pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, for a temporary restraining order and preliminary injunction enjoining enforcement of Sections 90-21.82, 90-21.85, 90-21.87, and 90-21.90 of North Carolina Session Law 2011-405 (House Bill 854 or "the Act"), which, without the relief requested in this motion, will take effect on October 26, 2011.

A temporary restraining order and a preliminary injunction are justified and supported by the facts and authorities set forth in the accompanying Memorandum of Law and the Declarations of Gretchen S. Stuart, M.D., M.P.H. & T.M., James R. Dingfelder, M.D., Anne Drapkin Lyerly, M.D., M.A., and Nada Stotland, M.D., M.P.H., which show that Plaintiffs meet all of the elements required for preliminary injunctive relief: (1) Plaintiffs are likely to prevail on the merits of their First Amendment and Due Process claims as set forth in their complaint; (2) Plaintiffs and their patients will suffer irreparable injury without the injunction; (3) the injury to Plaintiffs and their patients outweighs any injury the injunction will cause the Defendants; and (4) an injunction furthers the public interest.

Plaintiffs respectfully request the opportunity to present oral argument in support of this motion. Oral argument is warranted due to the important constitutional concerns raised by the motion and the imminent irreparable harms faced by the Plaintiffs and their patients seeking abortions if injunctive relief is not granted.

Respectfully submitted this 29th day of September, 2011.

s/ Katherine Lewis Parker

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*Notice of Special Appearance to be Filed

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of September, 2011, I electronically filed the foregoing PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing.

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